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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,673	03/16/2004	Serge Baccou	Q79627	3004

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EXAMINER
ORR, HENRY W

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>16 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-9</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>16 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/16/2004</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to application communication filed March 16, 2004;

2.   Claims 1-9 are pending in the case. Claims 1, 6 and 8 are independent claims.

Priority

3.   Applicant's claim for the benefit of foreign Europe application #03290662.0, filed

March 17, 2003 under 35 U.S.C. 119(a)-(d) is acknowledged.

Information Disclosure Statement

4.   The information disclosure statement (IDS) submitted on March 16, 2004 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is

considering the information disclosure statement.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   **Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention**

is directed to non-statutory subject matter. The language of the claims raises a

question as to whether the claims are directed merely to abstract ideas that are

not tied to a technological art, environment, or machine which would result in a

practical application producing a concrete, useful, and tangible result to form the

basis of statutory subject matter under 35 U.S.C. 101. Claims considered to be

Non-functional Descriptive Material are not statutory even if in combination with a

physical medium. see MPEP § 2106

Claim 1 fails to produce a tangible result such that the usefulness of **"generating**

said graphical user interface" can be realized for the disclosed practical application.

The term **"generating"** has multiple meanings and would reasonably convey to one of

ordinary skill in the art that the graphical user interface is just defined. Thus, the claim is

not necessarily producing a tangible result.

Dependent claims 2-5 are rejected for fully incorporating the deficiencies of their

respective base claim.

Specification

7.   The abstract of the disclosure is objected to because the abstract refers to

purported merits or speculative applications of the invention. Also, the abstract includes

improper legal phraseology used in the claims such as **"said text file"**.

See MPEP § 608.01(b). Corrections are required.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent
and should include that which is new in the art to which the invention pertains. If the
patent is of a basic nature, the entire technical disclosure may be new in the art, and the
abstract should be directed to the entire disclosure. If the patent is in the nature of an
improvement in an old apparatus, process, product, or composition, the abstract should
include the technical disclosure of the improvement. In certain patents, particularly
those for compounds and compositions, wherein the process for making and/or the use
thereof are not obvious, the abstract should set forth a process for making and/or use
thereof. If the new technical disclosure involves modifications or alternatives, the
abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8.   The disclosure is objected to because of the following informalities:

a) Replace **"They are submitted to errors"** with **"They are subjected to errors"** on p. 2 line of applicant specification.

b) Misspelled **"factorisation"** four times (once in abstract and three times in specification p. 3, 4, 6). The correct spelling is **"factorization"**.

c) The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Correction of the following is required: Claim 2 recites the phrase **"computer language**

independent", however the phrase is not used in the specification to consistently

described the claimed subject matter.

Appropriate corrections are required.

Claim Objections

9.   Claims 1-9 are objected to because of the following informalities:

a) The claims are objected to because the lines are crowded too closely together,

making reading difficult. Substitute claims with lines one and one-half or double spaced

on good quality paper are required. See 37 CFR 1.52(b).

b) For claim 3, replace misspelled word **"organised"** with **"organized"**.

c) For claim 6, Replace **"a selection by the user using said input device of

key words out of said library"** with **"a selection of the key words out of said library

by the user using said input device"** to give the **"key words"** proper antecedent

basis in the claim.

d) For claim 8, Replace **"a computer program"** with **"an executable computer

program"** to make it clear that the computer program is in executable form.

Dependent claims are objected to for fully incorporating the deficiencies of their

respective base claims.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

10.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

11.   **Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being**

indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claim 1 recites the phrase **"key words"** in line 7 and in line 9. There is

insufficient antecedent basis for this limitation in the claim because it is unclear whether

the **"key words"** are referring to previously recited **"key words"** in line 5.

Claim 3 recites the term **"possibly"**, which renders the scope of the claim as

indefinite. The term **"possibly"** is not defined by the claim, the specification does not

provide a standard for ascertaining the requisite degree, and one of ordinary skill in the

art would not be reasonably apprised of the scope of the invention.

Claim 3 recites the phrase **"the insertion"**. There is insufficient antecedent

basis for this limitation in the claim because **"the insertion"** has not been previously

recited.

Claim 4 recites the phrase **"the step of applying a parser"**. There is insufficient

antecedent basis for this limitation in the claim because **"the step of applying a**

parser" has not been previously recited.

Claims 4 and 6 recites the phrase **"selected key word"**. There is insufficient

antecedent basis for this limitation in the claim because it is unclear whether the

"selected key word" in claim 4 and 6 is referring to previously recited **"selected key**

word" in claim 1 and 6 respectively.

Claim 6 recites the phrase **"a display"** in line 4. There is insufficient antecedent

basis for this limitation in the claim because it is unclear whether the **"a display"** in line

4 is referring to previously recited **"a display"** in line 2.

Claim 6 recites the phrase **"a graphical user interface"** in line 7. There is

insufficient antecedent basis for this limitation in the claim because it is unclear whether

the **"graphical user interface"** in line 7 is referring to previously recited **"a display"** in

line 1 of the preamble.

Claim 8 recites the phrases **"key words"** and **"logical link"** in line 9. There is

insufficient antecedent basis for this limitation in the claim because it is unclear whether

the **"key words"** and **"logical link"** in line 9 are referring to respective **"the key

words"** and **"the respective logical link"** previously recited in the claim.

Dependent claims are rejected for fully incorporating the deficiencies of their

respective base claims.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13.   **Claims 1, 2, 3, 6 and 8 are rejected under 35 U.S.C. 102(b) as being

anticipated by Tomm, U.S. Patent # 6,246,403 B1 of record.**

Regarding claim 1, Tomm teaches **"Once the text file has been created, a GUI constructing program 9 generates a data tree structure from the text file which is used by an application program interface (API) 11 to generate a GUI to be displayed on display monitor 8" (col. 3 lines 55-58).** (claim 1; i.e., creating a text file representing said graphical user interface to be generated, whereby the steps of providing a library comprising a number of different key words each associated with a logical link to a graphical item) Examiner considers the application program interface (API) to provide a GUI library of data types and routines that are associated with a logical link to graphical items. The Data types placed in the text file as illustrated in Figure 3 are considered key words from the API library. (claim 1; i.e., selecting key words from said library to create said text file;) The GUI data types include, for example, buttons, labels, menus, lists, frames, fields, etc (col. 5 lines 45-46). The GUI constructing program is used to solve the respective logical links associated to each selected data type or key word from API. (claim 1; i.e., and generating said graphical user interface from said text file at least by solving the respective logical links associated to each selected key word.)

Regarding claim 2, Tomm teaches **"The editor program 6 can be any editor program suitable for creating and/or modifying text. A word processor program may also be used for this purpose" (col. 3 lines 59-62).** (claim 2; i.e., wherein said key words being computer language independent.) Examiner considers that data types that represent key words from the API to be computer language independent because

the text file that contains the data types, are composed using computer language

independent ASCII characters that can be created using any editor program.

Regarding claim 3, Tomm teaches **"Figure 2B illustrates a box 21 containing**

three boxes 22, 23, and 25" (col. 4 lines 62-67). (claim 3; i.e., wherein said key words

being possibly organized inside said text file following some specific structure allowing

the insertion of an item into another item.) Examiner considers the arrangement of the

data types representing key words from the API in Figure 2B to be following a specific

structure that allows the insertion of 3 box items into a single box item.

Claim 6 is directed towards an apparatus and is substantially encompassed in

method claim 1, therefore the apparatus claim is rejected under the same rationale as

method claim 1 above. In respect to the apparatus of claim 6, Tomm's Figure 1

illustrates a computer that can be configured to perform the limitations of apparatus

claim 6 as further explained under the rationale of method claim 1 above.

Claim 8 is directed towards a manufacture claim and is substantially

encompassed in method claim 1, therefore the manufacture claim is rejected under the

same rationale as method claim 1 above. In respect to the computer-readable medium

having an executable program in claim 8, Tomm's Figure 1 illustrates a computer-

readable medium with a GUI constructing program that can be configured to perform

the limitations of manufacture claim 8 as further explained under the rationale of method

claim 1 above.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 4, 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tomm as cited and applied to claim 1 above, in view of

Davidson et al. (hereafter referred to as Davidson), U.S. Patent # 6,083,276.

Regarding claim 4, Tomm does not expressly teach applying a parser. However,

Davidson teaches **"the parser 116 parses the application description file (ADF) to**

generate an XML parse tree 204 etc...The parse tree 204 is transformed by the

element processors 118 into a plurality of uninitialized components 212" (col. 6

lines 50-65). (claim 4; i.e., whereby the step of applying a parser for solving the

respective logical links associated to each selected key word.) Examiner considers the

parser to create a parse tree to solve the logical links between the elements in the ADF

file and the components.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to substitute Tomm's GUI constructing program which input was

xml files and output was a data structure tree with the parser which input was xml files

and output was a parse tree as taught by Davidson to provide the benefit of allowing

applications to be effectively created and configured using a text-based application

description language based on an SGML-compliant syntax (Davidson; col. 2 lines 45-48)

Regarding claim 5, Tomm does not expressly teach extending parser with new rules. However, Davidson teaches **"a DTD is a special document that describes the syntax of a markup language. The XML specification requires that the processor of a dialect of XML have a DTD and enforce the syntax in order to be considered "validating" XML (col. 11 lines 18-21).** (claim 5; i.e., wherein said parser can be extended with new rules.) Examiner considers the DTD document as a set of syntax rules that the parser uses to validate the xml files. The parser can parse xml files according to additional DTD documents to be extended with new syntax rules.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Tomm's GUI constructing program with the parser that parses according to the syntax rules of a DTD document as taught by Davidson to provide the benefit of validating the input of XML files (Davidson; col. 11 lines 18-21).

Claim 7 is directed towards an apparatus and is substantially encompassed in method claim 4, therefore the apparatus claim is rejected under the same rationale as method claim 4 above. In respect to the apparatus of claim 7, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the GUI constructing program on the computer apparatus of Tomm's Figure 1 as further explained in method claim 4 above.

Claim 9 is directed towards a manufacture claim and is substantially encompassed in method claim 4, therefore the manufacture claim is rejected under the

same rationale as method claim 4 above. In respect to the computer-readable medium

of claim 9, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to configure the GUI constructing program on the computer

readable medium of Tomm's Figure 1 as further explained in method claim 4 above.

Conclusion

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Henry Orr whose telephone number is (571) 274 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.
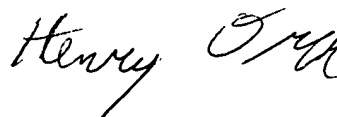
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gary Jackson can be reached on (571) 270 1279. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Henry Orr
Examiner
Art Unit 2197

1/3/07
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PRIMARY EXAMINER